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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR MACEDO-ESTRADA,

Defendant.

No. 07-00439 RMW

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME

SAN JOSE VENUE

On August 27, 2007, the parties in this case appeared before the Court for a status hearing. At that hearing, Assistant Federal Public Defender Lara Vinnard explained to the Court that the government had provided discovery, and that she needed additional time to investigate the defendant's criminal history. Therefore, the parties jointly requested a status hearing for October 1, 2007. In addition, the parties requested an exclusion of time under the Speedy Trial Act from August 27, 2007 to October 1, 2007. The defendant, through AFDV Vinnard, agreed to the exclusion. The undersigned parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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1 SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

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3 DATED: 8/27/07

/s/
SUSAN KNIGHT
Assistant United States Attorney

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5 DATED: 8/27/07

/s/
LARA S. VINNARD
Assistant Federal Public Defender

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9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
10 under the Speedy Trial Act from August 27, 2007 to October 1, 2007. The Court finds, based on
11 the aforementioned reasons, that the ends of justice served by granting the requested continuance
12 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
13 the requested continuance would deny defense counsel reasonable time necessary for effective
14 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
15 of justice. The Court therefore concludes that this exclusion of time should be made under 18
16 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

18
19 DATED: 8/30/07

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge